



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,583	11/09/2001	Steven Paul Wiese	045988-013100	4841

23623 7590 10/19/2010
TUROCY & WATSON, LLP
127 Public Square
57th Floor, Key Tower
CLEVELAND, OH 44114

EXAMINER

HAILU, TADESSE

ART UNIT	PAPER NUMBER
----------	--------------

2173

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

10/19/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket1@thepatentattorneys.com
hholmes@thepatentattorneys.com
setoori@thepatentattorneys.com

Office Action Summary	Application No. 10/044,583	Applicant(s) WIESE, STEVEN PAUL	
	Examiner TADEESE HAILU	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-12, 23-25, 27-30, 32-34, and 39-70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-12, 23, 25, 27-30, 32-34 and 39-50 is/are allowed.
- 6) ☒ Claim(s) 51-70 is/are rejected.
- 7) ☒ Claim(s) 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>9/9/10</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment filed with RCE on September 9, 2010 has been entered, The amendment contains claims 6-12, 23-25, 27-30, 32-34, and 39-70.
2. The Information Disclosure Statement (IDS) submitted with references on September 9, 2010 have been considered.

Claim Objections

3. Claim 24 is objected to because of the following informalities: the claim is depending on a canceled claim 19. Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422

Art Unit: 2173

F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CAR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. The newly introduced claims 51-70 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 and 12-17 of U.S. Patent No. 6,323,885. Although the conflicting claims are not identical, they are not patentably distinct from each other because no patentable different is observed between the patent and current invention (see the table below).

Wiese (6,323,885)	11/044,583 (current invention)
<p>1. A method of displaying on a computer information regarding values associated with plurality of geographic locations including the steps of:</p> <p>a) receiving a request for information regarding a first geographic area including the plurality of geographic locations;</p>	<p>51. (New) A method comprising:</p> <p>receiving a request for information regarding a first geographic area including a plurality of <u>street addresses</u>;</p>

<p>b) receiving a plurality of values each associated with one of the plurality of geographic locations;</p> <p>c) associating each of a plurality of symbols with each of the plurality of geographic locations based upon the associated value of said each of the plurality of geographic locations;</p> <p>d) displaying a map of the first geographic area in response to said step a) on a display;</p> <p>e) displaying each of the plurality of symbols on the map at its associated geographic location in response to said step a) on the display;</p> <p>f) associating each of a plurality of colors with one of a plurality of ranges of the values;</p> <p>g) associating each of a plurality of shapes with one of a plurality of subranges within each of the plurality of ranges of the values, each symbol including one of the plurality of colors and one of the plurality of shapes; and</p> <p>h) associating each of the plurality of symbols based upon said steps c), f) and g).</p>	<p>receiving a plurality of price values associated with the plurality of <u>street addresses</u>;</p> <p>associating a plurality of non-alphanumeric graphical symbols with the plurality of street addresses based upon the plurality of price values of the plurality of <u>street addresses</u>; and</p> <p>displaying, on a display of a computing device, a map including at least a portion of the <i>first</i> geographic area in response to the receiving of the request,</p> <p>wherein displaying the map includes displaying at least one of the plurality of <i>non-alphanumeric graphical</i> symbols at or near at least one map location corresponding to at least one street address of the plurality of street addresses.</p>
<p>12. A computer system for displaying information regarding values associated with a plurality of locations comprising:</p> <p>a) an input device for selectively generating a request for information</p>	<p>61. (New) A computer system comprising:</p> <p>an input device for selectively generating a request for information regarding a geographic area;</p>

<p>regarding a geographic area;</p> <p>b) a database of a plurality of values each associated with one of the plurality of locations in the geographic area, each of a plurality of symbols associated with each of the plurality of locations based upon the values, wherein each of a plurality of colors is associated with one of a plurality of ranges of the values, each of a plurality of shapes is associated with one of a plurality of subranges within each of the plurality of ranges of the values, and each symbol includes one of the plurality of colors and one of the plurality of shapes, each of the plurality of symbols associated with the plurality of locations based upon the associated colors, shapes and values; and</p> <p>c) a display displaying a map of the first geographic area and each of the plurality of values at the associated locations on the map in response to said request from said input device.</p>	<p>a database of a plurality of price values associated with a plurality of <u>street addresses</u> in the geographic area, wherein the plurality of price values are further associated with a plurality of <u>non alphanumeric graphical</u> symbols based upon the plurality of <u>price values</u>; and</p> <p>a display configured to display a map of at least a portion of the geographic area and at least one of the plurality of <u>non-alphanumeric graphical</u> symbols at or near street addresses of the plurality of <u>street addresses</u> represented on the map in response to the request.</p>
<p>1. A method of displaying on a computer information regarding values associated with plurality of geographic locations including the steps of:</p> <p>a) receiving a request for information regarding a first geographic area including the plurality of geographic locations;</p> <p>b) receiving a plurality of values each associated with one of the plurality of geographic locations;</p> <p>c) associating each of a plurality of</p>	<p>66. (New) An article of manufacture including a computer-readable medium having instructions stored thereon that, in response to execution by a computing device, cause the computing device to perform a method, comprising:</p> <p>receiving a request for information regarding a first geographic area including a plurality of <u>real estate parcels</u>;</p> <p>receiving a plurality of price values associated with the plurality of real estate parcels;</p> <p>associating a plurality of purely graphical symbols with the plurality of real estate</p>

<p>symbols with each of the plurality of geographic locations based upon the associated value of said each of the plurality of geographic locations;</p> <p>d) displaying a map of the first geographic area in response to said step a) on a display;</p> <p>e) displaying each of the plurality of symbols on the map at its associated geographic location in response to said step a) on the display;</p> <p>f) associating each of a plurality of colors with one of a plurality of ranges of the values;</p> <p>g) associating each of a plurality of shapes with one of a plurality of subranges within each of the plurality of ranges of the values, each symbol including one of the plurality of colors and one of the plurality of shapes; and</p> <p>h) associating each of the plurality of symbols based upon said steps c), f) and g).</p>	<p>parcels based, at least in part, on a subset of price values of the plurality of <u>price values</u> associated with the plurality of real estate parcels; and</p> <p>displaying, on a display of a computing device, a map including at least a portion of the first geographic area in response to the receiving of the request,</p> <p>wherein the displaying the map includes displaying at least one of the plurality of purely graphical symbols at or near at least one map location corresponding to at least one <u>real estate parcel</u> of the plurality of real estate parcels.</p>
--	---

The language of remaining dependent claims that depend on the claims 51, 61 and 66 are also substantially similarly cited in the corresponding claims of 1-15 and 12-17 of 6,323,885. As shown above the examiner highlights some of the word or phrases that may not be available on both the patent and the current claims of 51, 61 and 66. The current claims for example claims 51, 61 and 66 recite in part the "geographical area" to include "street address" while Wiese ('885) simply states "geographic area" to include "geographic locations". Furthermore, the current invention for example claims 61

Art Unit: 2173

and 66 state in part “*non-alphanumeric graphical symbols*” Wiese (‘885) simply states “symbols.” Also in the current invention states “real estate parcel” while Wiese (‘885) simply states “real estate”. Also in the current invention “the values” are “price values” in Wiese (‘885) the values are similarly defined as evidenced in claim 3 as “price values.” Thus, after carefully review, the examiner did not find patentable differences between the current invention of claims 51-70 and Wiese (‘885). Moreover, employing the common sense of an ordinarily skilled artisan, the claimed languages of Wiese (‘885) would have been rendered obvious over claims 51-70 because fore example associating “geographic location” with “a street address” assists in pinpointing the information accurately on a map. See Leapfrog, 485 F.3d at 1161.

Allowable Subject Matter

5. Claims 6-12, 23, 25, 27-30, 32-34, and 39-50 are allowed.

The following is an examiner’s statement of reasons for allowance: Since the Board decides to reverse some of the rejections (affirm-in part), the applicant seems to amend the claims according the Board’s reversal decision. Furthermore, after performing several searches no relevant prior art was found by the current examiner. Thus, Claims 6-12, 23, 25, 27-30, 32-34, and 39-50 are allowed.

6. Claims 50-70 would be allowable if a signed terminal disclaimer is submitted, rewritten or amended to overcome the double-patenting rejection.

Art Unit: 2173

7. Claim 24 would be allowable if amended to overcome the claim objection set forth above.

CONCLUSION

8. Information regarding the status of an application may be obtained from the patent application information retrieval (PAIR) system. Status information for published application may be obtained from either Private –PAIR or Public-PAIR. Status information for unpublished applications is available through Private-PAIR only. For more information about the PAIR system, please see pair-direct.uspto.gov web site. Should you have questions regarding access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kieu Vu, can be reached at (571) 272-4057 Art Unit 2173.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173